

2010 Election

Statement of Economic Interest

GS 138A-22 (d) requires candidates for certain, but not all, offices to file at the time or filing or within 10 days after the filing deadline of February 26th (which will be March 8th) a Statement of Economic Interest (SEI) form. Those provisions of that statute dealing with candidate filing are set out below.

(d) A candidate for an office subject to this Article shall file the statement of economic interest at the same place and in the same manner as the notice of candidacy for that office is required to be filed under G.S. 163-106 or G.S. 163-323 within 10 days of the filing deadline for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the primary and before the general election, and an individual who qualifies under G.S. 163-122 as an unaffiliated candidate in a general election, shall file a statement of economic interest with the county board of elections of each county in the senatorial or representative district. An individual nominated under G.S. 163-114 shall file the statement within three days following the individual's nomination, or not later than the day preceding the general election, whichever occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122 shall file the statement of economic interest with the petition filed under that section. An individual seeking to have write-in votes counted for that individual in a general election shall file a statement of economic interest at the same time the candidate files a declaration of intent under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of economic interest at the same time that the president of the convention certifies the names of its candidates to the State Board of Elections under G.S. 163-98.

This year there are two separate SEI forms and the candidates will need to select the appropriate one based on whether or not they've filed a SEI in 2009. On the SBE website are both the forms and instructions. If a candidate was already a "covered person" filing a SEI in 2009 and there have been no changes to their responses to the questions on their 2009 SEI, the completion of the shorter No-Change Form will satisfy that filing requirement at the time of filing for office in 2010.

A candidate files the Statement of Economic Interest ("SEI") at the same Board of Elections office that they filed for office. A \$250 fine can be levied by the State Ethics Commission for failure to file a complete SEI on time. It is a Class 1 misdemeanor to knowingly conceal or fail to disclose information required on the SEI and a Class H felony to disclose false information.

All candidates, regardless if they are already under an obligation to file an SEI in April 2010 by virtue of being an incumbent office holder, must file a SEI when filing for office. Such candidates are encouraged to contact the State Ethics Commission to see if the completion of the filing for office SEI will satisfy the subsequent need to file a SEI in April 2010. Questions concerning a candidate's obligation to file an SEI should be directed to the Campaign Finance Division of

State Board of Elections at (919) 733-7173. Questions concerning the actual completion of the SEI should be directed to the State Ethics Commission at (919) 715-2071.

The offices whose candidates must comply with the above are set out below. The offices which file with county boards of election that will require this filing will be candidates for the Legislature and Clerk of Court. **If a person is not a candidate for one of these offices set out below, they do not have to fill out a Statement of Economic Interest in connection with their notice of candidacy.**

Legislators – G.S. 138A-3(22):

- A member or presiding officer of the General Assembly, or a person elected or appointed a member or presiding officer of the General Assembly before taking office.
- For purposes of GS Chapter 138A, the Lieutenant Governor shall be considered a legislator when presiding over the Senate as President pursuant to Sec. 13 of Article II of the Constitution, and a public servant for all other purposes. G.S. 138A-4.

Judicial Officers – G.S. 138A-3(19):

- Justices or Judges of the General Court of Justice
 - o Supreme Court Justices
 - o Court of Appeals Judges
 - o Superior Court Judges
 - o District Court Judges
 - o District Attorneys
 - o Clerks of Court
 - o Any person elected or appointed to any of these positions prior to taking office

The Following Public Servants – G.S. 138A-3(30):

- Constitutional Officers of the State, and persons elected or appointed as constitutional officers of the State prior to taking office, (Officers whose offices are established by Article III of the North Carolina Constitution, also known as the "Council of State"):
 - o Governor
 - o Lt. Governor